

Judge Thomas M. Rose

Magistrate Kimberly A. Jolson

FILED
RICHARD W. NAGEL
CLERK

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

2022 APR 15 PM 1:59

Instructions

SCOTT J. LITTON
WESTERN DIV DAYTON

1. **Who Should Use This Form of Petition.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits);
 - you are in federal or state custody because of something other than a judgment of conviction (for example, you are in pretrial detention or are awaiting extradition); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (these challenges are generally raised in a motion under 28 U.S.C. § 2255);
 - you are challenging the validity of a state judgment of conviction and sentence (these challenges are generally raised in a petition under 28 U.S.C. § 2254); or
 - you are challenging a final order of removal in an immigration case (these challenges are generally raised in a petition for review directly with a United States Court of Appeals).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
 - All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations.
 - All filings must be submitted on paper sized 8½ by 11 inches.
 - Do not use the back of any page.
4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis (IFP) – that is, as a person who cannot pay the filing fee – by submitting an application to proceed IFP that the court requires.
6. **Submitting Documents to the Court.** Mail your petition and copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.
 - If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☒ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

United States District Court
Southern District of Ohio

(b) Docket number, case number, or opinion number:

3:20-CR-00088

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

(d) Date of the decision or action:

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

F.C.I. Beckley

(2) Date of filing:

February 16, 2022

(3) Docket number, case number, or opinion number:

1107422-R1

(4) Result:

Denied, go through court system

(5) Date of result:

March 7, 2022

(6) Issues raised:

Pretrial Detention / Jail Credits for 71 days from
8/13/2020 to 10/23/2020

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(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

See Attachment

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GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

I would like and respectfully request that those 71 days are credited to me and come off of my sentence. The 71 days that I'm referring to are from 8/13/2020 to 10/23/2020 in the Miami County Jail in Troy, Ohio, while I was in Pre-trial Detention. My name is Joshua Ryan Fuller and my USM# 76894-061.

Joshua Ryan Fuller
4-4-2022

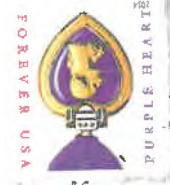
Attachment

I did not receive credit while I was in Pretrial Detention for 71 days from 8/13/2020 to 10/23/2020. I was incarcerated at Miami County Jail in Troy, Ohio. My name is Joshua Ryan Fuller # 76494 - 061.

Due to my current incarceration I cannot send the \$5 filing fee and would like to proceed in forma pauperis. I do not have access to an IFP form. If I need to fill

Joshua Ryan Fuller
4-4-2022

JOSHUA RYAN FULLER #76894-061
FCI Beckley
PO BOX 350
BEAVER WV 25831



CLERK'S OFFICE
200 WEST SECOND ST RM 712
DAYTON, OHIO 45402